



INTERIOR BOARD OF INDIAN APPEALS

Scotty M. Simpson v. Southern Plains Regional Director, Bureau of Indian Affairs

38 IBIA 127 (10/15/2002)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

SCOTTY M. SIMPSON,
Appellant

v.

SOUTHERN PLAINS REGIONAL
DIRECTOR, BUREAU OF INDIAN
AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 03-4-A
:
:
: October 15, 2002

The Acting Southern Plains Regional Director, Bureau of Indian Affairs, has transmitted to the Board of Indian Appeals a notice of appeal filed with the Regional Director by Scotty M. Simpson (Appellant). The notice of appeal indicates that Appellant is attempting to appeal under 25 C.F.R. § 2.8, "Appeal from inaction of official," from the alleged failure of the Regional Director to respond to a Freedom of Information Act (FOIA) request.

The Acting Regional Director indicates that he has responded to Appellant's FOIA request.

Appeals from FOIA decisions and appeals from delays in responding to FOIA requests are subject to the appeal process in 43 C.F.R. § 2.18. The Board is not a part of that process and therefore lacks jurisdiction over this appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed for lack of jurisdiction.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge